

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STRYKER CORPORATION and
HOWMEDICA OSTEONICS CORP.,

Plaintiffs,

File No. 1:05-CV-51

v.

HON. ROBERT HOLMES BELL

XL INSURANCE AMERICA, INC. and
TIG INSURANCE COMPANY,

Defendants.

**MEMORANDUM OPINION AND ORDER
DENYING MOTION TO SEAL**

This matter comes before the Court on Defendant TIG's motion to seal. (ECF No. 431.)

The local court rules provide that in order to preserve the presumption of public access to judicial files in civil cases, the Court "strongly resists the sealing of entire civil pleadings, motions, or briefs, as it is rare that the entire document will merit confidential treatment." W.D. Mich. LCivR 10.6(a). Requests to seal may be granted only for "good cause shown." W.D. Mich. LCivR 10.6(b).

TIG's proposed sealed documents include a motion to file an amended answer, a proposed amended answer, a proposed order, a memorandum, and four exhibits. (ECF Nos. 432–39.) TIG has not identified what specific information is confidential. TIG's only explanation for sealing the entire contents of its motion and attachments is that they "contain

information of a confidential nature with regard to the adjudication of claims and evidence presented in the underlying litigation.” (TIG Mot. to Seal 2, ECF 431.)

Upon review, it appears that the vast majority, if not all, of the proposed sealed documents would not qualify as “truly proprietary or confidential.” *See* LCivR 10.6(a). TIG has not identified what information in its motion and brief are confidential. Only one of the exhibits, Exhibit A, is marked confidential, and as to this document, Stryker has advised that there is no need for confidentiality because it has been made public in a previous trial. (Stryker Resp. 2, ECF No. 446.) TIG has not identified what is confidential in Exhibit B, which contains TIG’s answers to Stryker’s interrogatories. Exhibits C and D include a transcript and proposed findings of fact that were publicly filed in *Stryker v. XL Ins. America*, Case No. 4:01-CV-157 (ECF Nos. 904, 913.).

TIG has not shown good cause for sealing the entire motion and attachments. Accordingly,

IT IS HEREBY ORDERED that TIG’s motion to seal (ECF No. 431) is **DENIED** without prejudice to TIG’s ability to re-file the motion in its entirety as a public document, or to re-file it in part as a public document, and in part as a proposed sealed document with a clearer explanation of what portions of the documents truly merit confidential treatment.

Dated: May 9, 2014

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE